

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN ERIC PARTANEN,

Plaintiff,

v.

WESTERN UNITED STATES PIPE
BAND ASSOCIATION, et al.,

Defendants.

Case No. 1:21-cv-00588-BAM

**ORDER REGARDING PLAINTIFF'S
MOTION FOR VOLUNTARY DISMISSAL**

(Doc. 69)

Plaintiff John Eric Partanen ("Plaintiff"), proceeding *pro se*, initiated this civil action on April 8, 2021. (Doc. 1.) Currently before the Court is Plaintiff's Motion for Voluntary Dismissal filed on November 15, 2021. (Doc. 69.) The Court construes the motion for voluntary dismissal as a request for voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

Under Rule 41(a)(1)(A)(i), "a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment." *Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc.*, 193 F.3d 1074, 1077 (9th Cir. 1999) (quotation and citation omitted). "[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no action had been brought, the defendant can't complain, and the district court lacks jurisdiction to do anything about it." *Id.* at 1078.

1 Defendants have not filed an answer or motion for summary judgment in this action.
2 Accordingly, this action is terminated by operation of law without further order from the Court.
3 Fed. R. Civ. P. 41(a)(1)(A)(i). The Clerk of the Court is DIRECTED to terminate all pending
4 motions and deadlines, if any, and to CLOSE THIS CASE.

5
6 IT IS SO ORDERED.

7 Dated: November 16, 2021

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE